



FAIR POLITICAL PRACTICES COMMISSION

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April 30, 2010

✓ Mr. R. Zachary Wasserman
Economic Stimulus for Oakland

REDACTED

Warning Letter Re: FPPC File No. 10/065; Economic Stimulus for Oakland, a Coalition of the Hospitality Industry, Cultural Institutions, Labor and Business; R. Zachary Wasserman

Dear Mr. Wasserman:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is as a result of a pro-active investigation begun against you by the FPPC that alleged that the Economic Stimulus for Oakland committee ("committee") received and deposited two contributions from the Chabot Space and Science Center Foundation ("Foundation") by way of cashier's checks.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC determined that the committee received and deposited two contributions from the Foundation made by cashier's checks; one in the amount of \$15,000 and one in the amount of \$13,000.

The Act provides that no contribution of one hundred dollars (\$100) or more shall be made or received in cash. (Section 84300(a).) The Commission has interpreted cash to include contributions by cashier's check or money order. (*Avila* Advice Letter, No. L-99-006.)

¹ The Political Reform Act is contained in Government Code sections 81000 through 91011. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Your actions violated the Act because your committee should have returned the contributions within 72 hours of receipt. (Section 84300(c).) However, since the cashier's checks contained both the name of the committee as the payee and the name of the Foundation as the contributor, and the committee and the Foundation reported the contributions on their respective campaign statements, the Commission is closing this matter.


This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

 Gary S. Winuk, Chief
Enforcement Division

GSW/jt